IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5544 OF 2006

Shekhar S. Koli ....Petitioner
V/s.
State of Maharashtra & Ors. ....Respondents

Mr.R.K. Mendadkar for the Petitioner.
Mr.R.D. Rane, G.P. for the Respondents.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 23RD MARCH, 2007.

P.C. :

1. By this Petition filed under Article 226 of the Constitution of India, the Petitioner seeks to challenge the order of the Caste Scrutiny Committee which has been communicated to the Petitioner by an endorsement dated 17.3.2006, rejecting the caste claim of the Petitioner belonging to "Mahadeo Koli".

2. The Petitioner' caste certificate which was issued some time on 2.12.1983 as belonging to Mahadeo Koli was forwarded to Respondent No.2 - Committee for validation. This was on account of the fact that the Petitioner had secured the employment to the post of clerk in the Maharashtra State Road Transport Corporation. The issue as regards the validation of

the caste certificate of the Petitioner, has had a chequered history. In an earlier round of litigation, the order of the Caste Scrutiny Committee on 25.1.1999 invalidating the caste claim of the Petitioner was set aside and the matter was remanded back to Respondent No.2 - Committee on account of the orders passed in Writ Petition NO.1186 of 1999 filed by the Petitioner challenging the said order, which Writ Petition came to be disposed of on 17.3.1999.

3. On such remand, the proceedings as regards the validation of the caste certificate issued to the Petitioner were commenced. The Petitioner submitted in all 19 documents in support of his caste claim. Two of the said documents related to his father Shripati Yellappa Koli and his uncle Channappa Yellappa Koli.

4. As per the procedure prescribed, home and school enquiry was also conducted through the Vigilance Cell and the Petitioner was given an opportunity to submit his say to the report of the Vigilance Cell. Police Inspector of the Vigilance Cell obtained the school record from the concerned school wherein the caste of the Petitioner’s father and his uncle is shown as "Mahadeo Koli, and Koli"

respectively. However, in the remark column, the Head Master has observed that the word "Mahadeo" is written in different ink and different handwriting in respect of the Petitioner's father Shripati Yellappa Koli after removing the word Koli. In so far as the uncle Channappa Yellappa Koli is concerned, the school record discloses that the caste is recorded as "Koli". The said record being of the year 1938 that is prior to passing the Presidential Order would therefore carry lot of weightage. In respect of another blood relation of the Petitioner, Bhupal Shelapa Koli, the caste is mentioned as "Koli". Therefore the school record of the Petitioner's relation overwhelming the point with the caste to Koli.

5. It is significant to note that though in the remark column, the Head Master has written that the word "Koli" is written in different ink and in different handwriting. The Head Master of the said school has issued an extract of the school register, which has been produced by the Petitioner showing his uncle and father's caste as "Mahadeo Koli". In our opinion, therefore, the finding of the Committee that the said subsequent documents produced by the Petitioner could not be relied upon, cannot be faulted with. A xerox copy of the extract of the school

register with the remarks of the Head Master has been annexed to the affidavit filed on behalf of the Committee by one Mustak Abdul Gani Shaikh, Research Officer, Scheduled Tribe Certificate Scrutiny Committee, Pune Region, Pune. A reading of the said document ex-facie discloses to the naked eye that the word "Mahadeo" is written in different ink and in different handwriting. Therefore, the finding of the Committee on the said issue as indicated above cannot be faulted with.

6. The Committee has also held against the Petitioner as regards the traits, characteristic and customs of the community. The Committee on the basis of the information furnished by the Petitioner has arrived at a finding that the information furnished by the Petitioner about the tradition, occupation, God/Goddes, surname and customs are not associated with Mahadeo Koli Tribe but are related to Koli caste which is included in the list of O.B.C. and S.B.Cs. in the State of Maharashtra. The Committee therefore, taking an over all view of the matter, has come to a conclusion that the Petitioner does not belong to "Mahadeo Koli" tribe and consequently has invalidated the caste certificate granted to the Petitioner.

7. We have considered the findings of the Committee and we have no reason to take a different view than the view taken by the Committee. The order of the Committee therefore does not call for any interference in our extra-ordinary writ jurisdiction under Article 226 of the Constitution of India and the Petition is therefore dismissed.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)